

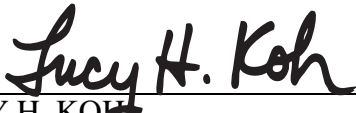
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES JORDAN,	)	No. C 09-2715 LHK (PR)
	)	
Petitioner,	)	ORDER DENYING LEAVE TO
	)	PROCEED ON APPEAL IN FORMA
v.	)	PAUPERIS
	)	
M.S. EVANS,	)	
	)	(Docket No. 19)
Respondent.	)	
_____	)	

This is a habeas corpus case filed by a state prisoner pursuant to 28 U.S.C. 2254. Petitioner was not granted pauper status in the instant action, having paid the full filing fee. On September 20, 2010, the Court dismissed the petition as untimely, and denied a certificate of appealability in the same order. Petitioner has filed a notice of appeal and a motion for leave to proceed on appeal in forma pauperis. The certificate of appealability was denied because no “jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the same reason, Petitioner’s appeal is not taken in “good faith” and, consequently, leave to proceed on appeal in forma pauperis is DENIED. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

DATED: 12/22/2010

  
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LUCY H. KOH  
United States District Judge